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OFFICE OF PETITIONS

In re Application of
John Paul Sari et al
Application No. 10/643,833
Filed: August 19, 2003
Attorney Docket No. A01411

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ON PETITION

This is in response to the petition under 37 CFR 1.47(a), filed January 15, 2004.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2) above, the declaration lacks compliance with 37 CFR 1.63(a)(2) in that the declaration does not list all the named inventors. Petitioner's attention is directed to MPEP Section 602, which states: "Where joint inventors execute separate oaths or declarations, each oath or declaration should make reference to the fact that the affiant is a joint inventor together with the other joint inventors indicating them by name." Accordingly, a new declaration which lists all the inventors and is signed by the signing inventor and leaving the signature block of the nonsigning inventor blank is required. See also MPEP Sections 201.03 and 409.03(a).

Additionally, the declaration fails to properly identify the instant application. In this regard, the declaration identifies provisional Application No. 60/404,560 rather than the present application. Accordingly, the declaration further fails to comply with 37 CFR 1.63(b)(1).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Crystal Plaza Two, Lobby
2011 South Clark Place
Room 1B03
Arlington, VA 22202

By fax: (703) 872-9306

Telephone inquiries related to this decision should be directed to at Wan Laymon(703) 306-5685.



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